

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

PATRICIA MUNION, et al.,

Plaintiffs,

v.

ADVANCED MEDICAL OPTICS, INC.,
et al.,

Defendants.

Civil No. 07-5377 (JHR/JS)

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the telephone status conference on January 25, 2010; and the Court noting the following appearances: Debora O'Neill, Esquire, appearing on behalf of the plaintiffs; David J. Cooner, Esquire, appearing on behalf of the defendants.

IT IS this **25th** day of **January, 2010**, hereby **ORDERED**:

1. The stay [Doc. No. 108] previously entered in the case is hereby lifted.

2. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of plaintiffs shall be served upon counsel for defendants no later than **March 1, 2010**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of defendants shall be served upon counsel for plaintiffs no later than **April 1, 2010**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **May 3, 2010**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

3. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **May 14, 2010**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

4. It will be necessary for counsel to cooperate in preparing the form Joint Final Pretrial Order. The instructions for preparing the Order can be found on the website at <http://www.njd.uscourts.gov/otherGuides.html> (Pretrial Orders). The Joint Final Pretrial Order (**original and two copies for the court, with sufficient copies for all counsel**), as signed by all counsel, shall be delivered to me **three (3) days before** the conference on **June 24, 2010 at 3:00 p.m.** The plaintiffs' portion of the proposed order shall be prepared and sent to defense counsel no later than **May 24, 2010**. Defendants' portion of the proposed order shall be prepared and returned to counsel for plaintiffs no later than **June 7, 2010**.

LEAD TRIAL COUNSEL FOR ALL PARTIES SHALL APPEAR AT THE FINAL PRETRIAL CONFERENCE AND SHALL BE PREPARED TO DISCUSS SETTLEMENT OF THE CASE.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).

s/Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge